

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

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MARTIN J. WALSH, Secretary of Labor,	:	
United States Department of Labor,	:	
	:	
Plaintiff,	:	Civil Action No. 1:21-cv-04519-AMD-RML
	:	
v.	:	
	:	
UNITED BEHAVIORAL HEALTH and	:	
UNITEDHEALTHCARE INSURANCE COMPANY,	:	
	:	
Defendants.	:	
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**NOTICE OF DISMISSAL**

The parties have reached an agreement on the allegations in the Secretary’s Complaint under the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. § 1001, *et seq.*, related to the Tiered Reimbursement program. (Dkt. 5 (Stipulation of Settlement)). The Tiered Reimbursement settlement sought to resolve some of the allegations in this action, some of the allegations in a related case brought by the New York Attorney General, *James v. UnitedHealth Group Inc. et al.*, Case No. 21-cv-4533 (E.D.N.Y.) (“NYAG Action”), and the allegations of the putative classes in *Jane Doe v. UnitedHealth Group, Inc. et al.*, Case No. 1:17-cv-4160-RML (E.D.N.Y.) (“Doe”), and *Jane Smith, et al. v. United Healthcare Insurance Company et al.*, Case No. 1:21-cv-02791-RML (E.D.N.Y.) (“Smith”).

Because the Stipulation of Settlement related to the Tiered Reimbursement program also resolved the then-putative *Doe* and *Smith* class actions, this settlement required Court approval. A Fairness Hearing in the *Doe* and *Smith* actions was held on December 16, 2021. (*Doe* Dkt. 116, § H.) By order dated January 9, 2022, this Court granted final approval of the *Doe* and *Smith* class action settlements. (*Id.* at ¶ 11.) That order dismissed the claims asserted by the Secretary related

to the Tiered Reimbursement policy, (*id.* at ¶ 17), and directed the Secretary to release all claims brought against Defendants, (*id.* at ¶ 18(b)).

Accordingly, the Secretary now dismisses with prejudice all of the remaining<sup>1</sup> claims for relief in the Complaint: the First Claim for Relief, (Dkt. 1, ¶¶ 70–81), the Second Claim for Relief, (*id.* at ¶¶ 82–83), the Fifth Claim for Relief, (*id.* at ¶¶ 94–97), the Sixth Claim for Relief, (*id.* at ¶¶ 98–99), and the Seventh Claim for Relief, (*id.* at ¶¶ 100–102).<sup>2</sup>

DATED: February 15, 2022  
New York, New York

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<sup>1</sup> On October 14, 2021, the Secretary voluntarily dismissed with prejudice the Third Claim for Relief, (Dkt. 1, ¶¶ 84–91), and the Fourth Claim for Relief, (*id.* at ¶¶ 92–93), in the Complaint.

<sup>2</sup> No party has served either an answer or a motion for summary judgment. Fed. R. Civ. P. 41(a)(1)(A)(i).